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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/023,061	12/20/2001	Marcel Kormann	004501-626	5493
7590	09/15/2005		EXAMINER	
Robert S. Swecker BURNS, DOANE, SWECKER & MATHIS, L.L.P. P.O. Box 1404 Alexandria, VA 22313-1404			MOORE JR, MICHAEL J	
			ART UNIT	PAPER NUMBER
			2666	

DATE MAILED: 09/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/023,061	KORMANN ET AL.	
	Examiner	Art Unit	
	Michael J. Moore, Jr.	2666	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 20 December 2001.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-11 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 20 December 2001 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed 12/20/2001 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: Figure 1 does not contain labeling for elements 23-26 described in the specification on page 5, paragraphs 16 and 17.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

3. Claims **1, 2, 6, 7, 9, and 10** are objected to because of the following informalities:

Regarding claim **1**, on line 3, the word "the" after word "wherein" is not needed.

Regarding claim **2**, on line 3, the word "the" before word "same" should be "a".

Regarding claim **6**, on line 2, an objection is made to the use of the phrase "can be". The use of this phrase constitutes optional language that does not limit the scope of this claim (See MPEP 2106, II, C). A suggestion would be to change this phrase to "is". Also, on line 2, an objection is made to the use of the word "it". It is unclear what this term is referring to. Also, on line 5, the word "the" after word "adding" is not needed.

Regarding claim **7**, on line 1, the word "werein" should be "wherein". Also, on line 2, the word "the" before word "same" should be "a".

Regarding claim **9**, on line 1, the word "the" after word "wherein" should be "an".

Regarding claim **10**, on line 1, the word "the" after word "wherein" should be "an".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims **1-5** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-5 are narrative in form and do not contain positively recited steps of a specific process. Note that method claims should set forth a series of steps in the active tense in an instruction-like manner thereby reciting an actual method. Dependent claims should further limit base claims by reciting additional steps in a like-wise fashion (Ex parte Erlich 3USPQ 2d 1011 at 1017 [6]).

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Webber (U.S. 6,529,518). Webber teaches all of the limitations of the specified claims with the reasoning that follows.

Regarding claim 1, “a method for setting up a digital synchronous cross-connect connection between data transmission units that are connected to interfaces of user devices” is anticipated by the method of Figure 8 performed by the network adapters (data transmission units) shown in Figures 7A-7E.

“Wherein an additive neutral element is allocated to asynchronous interfaces” is anticipated by the transmission of IDLE packets (additive neutral element) in step 828 of

Figure 8 as spoken of on column 11, lines 1-4 by the network adapters (asynchronous interfaces) of Figures 7A-7E.

Lastly, “wherein the data signals that have been received in a data transmission unit via various data channels are added together” is anticipated by the reception of data packets (data signals) in local packet buffer 214 as well as bypass buffer 216 (channels) and the subsequent combining (addition) of these packets in multiplexer 212 as shown in Figure 2 and spoken of on column 5, lines 56-67.

Regarding claim 2, “wherein the neutral elements allocated to asynchronous interfaces and neutral elements of synchronous interfaces are allocated null vectors which all have the same length” is anticipated by the 4-byte IDLE packets shown in the data stream of Figure 4.

Regarding claim 3, “wherein the addition is limited to a maximum value” is anticipated by the reception of data packets (data signals) in local packet buffer 214 as well as bypass buffer 216 each having a queue depth (maximum value) and the subsequent combining (addition) of these packets in multiplexer 212 as shown in Figure 2 and spoken of on column 5, lines 56-67.

Regarding claim 4, “wherein the neutral element is allocated to an inactive state of the user device” is anticipated by the transmission of IDLE packets rather than data packets upon the suspension of data packet transmission (pause) as spoken of on column 3, lines 16-19.

Regarding claim 5, “wherein after data has been sent and until new data is sent, the data transmission unit transmits the additive neutral element” is anticipated by the

transmission of IDLE packets rather than data packets upon the suspension of data packet transmission (pause) and the subsequent de-assertion of the pause request allowing data packet transmission to resume as spoken of on column 3, lines 16-30.

Regarding claim 6, “A data transmission unit for setting up a digital synchronous cross-connect connection between user devices that can be attached to it via interfaces and a multichannel network” is anticipated by the network adapter shown in Figure 2.

“Wherein the data transmission unit has an allocation means for allocating an additive neutral element to interfaces of the user devices” is anticipated by control logic 208 (allocation means) of Figure 2 that regulates the flow of IDLE packets (additive neutral element) as spoken of on column 6, lines 52-61.

Lastly, “at least one addition means for adding the data signals received via various channels of the communication network” is anticipated by the reception of data packets (data signals) in local packet buffer 214 as well as bypass buffer 216 (channels) and the subsequent combining (addition) of these packets in multiplexer 212 (addition means) as shown in Figure 2 and spoken of on column 5, lines 56-67.

Regarding claim 7, “wherein null vectors that all have the same length are allocated to all additive neutral elements” is anticipated by the 4-byte IDLE packets shown in the data stream of Figure 4.

Regarding claim 8, “wherein the addition means has means for limiting the added data signals” is anticipated by the reception of data packets (data signals) in local packet buffer 214 as well as bypass buffer 216 each having a queue depth (limiting) and

the subsequent combining (addition) of these packets in multiplexer 212 (addition means) as shown in Figure 2 and spoken of on column 5, lines 56-67.

Regarding claim 9, "wherein the addition circuit has a 256 modulo function" is anticipated by multiplexer 212 (addition circuit) as shown in Figure 2 and spoken of on column 5, lines 56-67.

Regarding claim 10, "wherein the addition circuit has an A law or m law circuit" is anticipated by multiplexer 212 (addition circuit) as shown in Figure 2 and spoken of on column 5, lines 56-67.

Regarding claim 11, "wherein the addition means and allocation means are permanently active" is anticipated by control logic 208 (allocation means) of Figure 2 that regulates the flow of IDLE packets (additive neutral element) as spoken of on column 6, lines 52-61, as well as multiplexer 212 (addition means) as shown in Figure 2 and spoken of on column 5, lines 56-67.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Keenan et al. (U.S. 6,215,789) is another reference pertinent to this application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Moore, Jr. whose telephone number is (571) 272-3168. The examiner can normally be reached on Monday-Friday (8:30am - 5:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema S. Rao can be reached at (571) 272-3174. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael J. Moore, Jr.
Examiner
Art Unit 2666

mjm MM



FRANK DUONG
PRIMARY EXAMINER